

## Agricultural Marketing Service, USDA

## § 1260.315

for sale, is required to give the producer from whom the collecting person collected an assessment written evidence of payment of the Beef Promotion and Research Assessments. Such written evidence serving as a receipt shall contain the following information:

- (a) Name and address of the collecting person.
- (b) Name of producer who paid assessment.
- (c) Number of head of cattle sold.
- (d) Total assessments paid by the producer.
- (e) Date.

### **§ 1260.314 Certification of non-producer status for certain transactions.**

(a) The assessment levied on each head of cattle sold shall not apply to cattle owned by a person:

(1) If the person certifies that the person's only share in the proceeds of a sale of cattle, beef, or beef products is a sales commission, handling fee or other service fee; or

(2) If the person:

(i) Certifies that the person acquired ownership of cattle to facilitate the transfer of ownership of such cattle from the seller to a third party,

(ii) Establishes that such cattle were resold not later than 10 days from the date on which the person acquired ownership; and

(iii) Certifies that the assessment levied upon the person from whom the person purchased the cattle, if an assessment was due, has been collected and has been remitted, or will be remitted in a timely fashion.

(b) Each person seeking non-producer status pursuant to § 1260.116 shall provide the collecting person, on a form approved by the Board and the Secretary, with a Statement of Certification of Non-Producer Status at the time the collecting person makes payment to the seller of cattle, in lieu of the assessment that would otherwise be due, except as provided for in paragraphs (c) and (d) of this section.

(c) When the seller of cattle is not physically present during a sales transaction in which the seller claims non-producer status, such seller shall deliver to the collecting person an origi-

nal Statement of Certification of Non-Producer Status within 10 business days of the date the collecting person makes payment to the seller of the cattle.

(d) If the collecting person is a brand inspector, as provided for in § 1260.311, the seller of cattle claiming non-producer status shall provide to the brand inspector at the time the physical brand inspection is completed, in lieu of the assessment that would otherwise be due, either: a Statement of Certification of Non-Producer Status or a valid brand inspection certificate which shows collection of the assessment by a brand inspector in a transaction which took place not more than 10 days prior to the sale of the cattle.

(e) A copy of the Statement of Certification of Non-Producer Status shall be forwarded, upon request, by the collecting person to the qualified State beef council or the Cattlemen's Board.

[53 FR 5754, Feb. 26, 1988, as amended at 66 FR 26784, May 15, 2001]

### **§ 1260.315 Qualified State Beef Councils.**

The following State beef promotion entities have been certified by the Board as qualified State beef councils:

Alabama Cattlemen's Association  
Arizona Beef Council  
Arkansas Beef Council  
California Beef Council  
Colorado Beef Council  
Florida Beef Council, Inc.  
Georgia Beef Board, Inc.  
Idaho Beef Council  
Illinois Beef Council  
Indiana Beef Council  
Iowa Beef Cattle Producers Association  
Kansas Beef Council  
Kentucky Beef Cattle Association  
Louisiana Beef Industry Council  
Maryland Beef Council  
Michigan Beef Industry Commission  
Minnesota Beef Council  
Mississippi Cattle Industry Board  
Missouri Beef Industry Council  
Montana Beef Council  
Nebraska Beef Industry Development Board  
Nevada Beef Council  
New Mexico Beef Council  
New York Beef Industry Council  
North Carolina Cattlemen's Association  
North Dakota Beef Commission  
Ohio Beef Council  
Oklahoma Beef Commission  
Oregon Beef Council  
Pennsylvania Beef Council, Inc.

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South Carolina Cattle and Beef Board  
South Dakota Beef Industry Council  
Tennessee Beef Industry Council  
Texas Beef Industry Council  
Utah Beef Council  
Vermont Beef Council  
Virginia Cattle Industry Board  
Washington State Beef Commission  
West Virginia Beef Industry  
Wisconsin Beef Council  
Wyoming Beef Council

### § 1260.316 Paperwork Reduction Act assigned number.

The information collection and recordkeeping requirements contained in this part have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control number 0851-0152.

## Subpart C [Reserved]

## Subpart D—Beef Promotion and Research: Certification and Nomination Procedures for the Cattlemen's Beef Promotion and Research Board

SOURCE: 51 FR 11559, Apr. 4, 1986, unless otherwise noted. Redesignated at 51 FR 26138, July 18, 1986, and further redesignated at 51 FR 35197, Oct. 1, 1986. Redesignated also at 53 FR 9858, Mar. 28, 1988.

### § 1260.500 General.

State organizations or associations shall be certified by the Secretary as provided for in the Beef Promotion and Research Act of 1985 to be eligible to make nominations of cattle producers to the Board. Additionally, where there is no eligible organization or association in a State, the Secretary may provide for nominations in the manner prescribed in this subpart. Organizations or associations determined by the Secretary to represent importers of cattle, beef, and beef products may submit nominations for membership on the Board in a manner prescribed by the Secretary in this subpart. The number of nominees required for each allotted position will be determined by the Secretary.

### § 1260.510 Definitions.

As used in this subpart:

## 7 CFR Ch. XI (1-1-08 Edition)

*Act* means the Beef Promotion and Research Act of 1985 (7 U.S.C. 2901-2918).

*Beef* means the flesh of cattle.

*Beef products* means edible products produced in whole or in part from beef, exclusive of milk and milk products produced therefrom.

*Board* means the Cattlemen's Beef Promotion and Research Board established under section 5(1) of the Act.

*Cattle* means live, domesticated bovine animals regardless of age.

*Department* means the United States Department of Agriculture.

*Importer* means a person who imports cattle, beef, or beef products from outside the United States.

*Livestock and Seed Division* means the Livestock and Seed Division of the Department's Agricultural Marketing Service.

*Producer* means a person who owns or acquires ownership of cattle, except that a person shall not be considered to be a producer if the person's only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee, or other service fee.

*Secretary* means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

*State* means each of the 50 States.

*Unit* means a State or combination of States which has a total inventory of not less than 500,000 head of cattle; or importers.

### § 1260.520 Responsibility for administration of regulations.

The Livestock and Seed Division shall have the responsibility for administering the provisions of this subpart.

### § 1260.530 Certification of eligibility.

(a) *State organizations or associations: Requirements for certification.* (1) To be eligible for certification to nominate producer members to the Board, State organizations or associations must meet all of the following criteria:

(i) Total paid membership must be comprised of at least a majority of cattle producers or represent at least a